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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,500	08/22/2003	Gerold Herold	32860-000610/US	8715

30596 7590 08/22/2006

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EXAMINER	
LOVEL, KIMBERLY M	

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/645,500	HEROLD ET AL.	
	Examiner	Art Unit	
	Kimberly Lovel	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *07 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment filed 7 June 2006.

2. Claims 1-29 are pending in this application. Claims 1, 8 and 23 are independent. In the Amendment filed 7 June 2006, claims 1, 4, 5, 6, 8, 16, 17, 23, 26 and 27 have been amended. This action is made Final.

3. The rejections of claims 1-29 as being unpatentable over US PGPub 2002/0016718 to Rothschild et al in view of US PGPub 2004/0088317 to Fabrick et al have been withdrawn based on applicants' amendments.

Claim Objections

4. The objections of claims 16, 17, 23 and 27 have been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2002/0016718 to Rothschild et al (hereafter Rothschild et al) in view of US PGPub 2004/0088317 to Fabrick et al (hereafter Fabrick et al) further in view of US Patent No. 5,307,262 to Ertel (hereafter Ertel).

Referring to claim 1, Rothschild et al disclose a data processing system for processing medically relevant data objects. In particular, Rothschild et al disclose a data processing system for processing medically relevant data objects including at least one of image data and metadata (see abstract), comprising:

a first electronic data processing device for viewing and editing the data objects (see [0149]-[0150] and Fig 1, item 10), the first electronic data processing device including,

a data store for storing the data objects (see [0045]; [0143], lines 10-18; and Fig 1, item 120), and

a first interface for outputting data objects (see [0149] and Fig 1, item 15); and

a second electronic data processing device for presenting data from data objects in medically relevant reports (see Fig 1, item 40), the second electronic data processing device including,

a mask memory (see Fig 1, item 140) for storing the report masks, and

a second interface for receiving the data objects (see [0079], lines 19-23), wherein the first data processing device uses firmly prescribed data formats (see [0144], lines 1-7 and [0152] - the data format is DICOM), unalterable by a user, to store, view and edit the data objects, and wherein the interfaces of the first and second data processing devices are connectable to one another for transfer of data objects from the first data processing device to the second data processing

device (see [0043] and Fig 1 – the devices are connected by a central storage system).

However, Rothschild et al fail to explicitly teach the further limitation of the second interface wherein the second data processing device uses report masks, generate able and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects. Fabrick et al teach a data processing system for processing medically relevant data objects (see abstract), including the further limitation wherein the second data processing device uses report masks, generate able and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects (see [0034] and [0052] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Fabrick et al's system for generating report masks within Rothschild et al's medical image management system as a subcomponent to the remote storage system (Rothschild et al: see Fig 1, item 40). One would have been motivated to do so in order to produce a report that is useful in managing the patient's healthcare (Rothschild et al: see [0065]).

However, the combination of Rothschild et al and Fabrick et al (hereafter Rothschild/Fabrick) fails to explicitly disclose the further limitation of a data switching device for checking the data objects for consistency with the medically reports prior to

storing the data objects. Ertel discloses a system for patient data quality review (see abstract) including the further limitation of a data switching device for checking the data objects for consistency with the medically reports prior to storing the data objects (see column 16, lines 29-45 and Fig 1 – the batch interface file 58 checks for consistency).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Ertel's sysem for error checking as a subcomponent to Rothchild/Fabrick's medical image management system. One would have been motivated to do so in order to produce a report that is accurate for use in the management of the patient's healthcare (Rothschild et al: see [0065]).

Referring to claim 2, the combination of Rothschild/Fabrick and Ertel (hereafter Rothschild/Fabrick/Ertel) teaches the data processing system as claimed in claim 1, wherein the second data processing device stores report masks at least one of generated (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask) and altered by the user (Fabrick et al: see [0052] – the original report is updated, i.e. altered, when a patient has a subsequent visit), in the mask memory (Fabrick et al: see [0061]).

Referring to claim 3, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 1, wherein the second data processing device uses report masks, generate able and alterable by the user without knowledge of the syntax of the data objects, in order for a user to edit data from data objects (Fabrick et al: see [0034],

[0036] and [0061] – the data objects are entered into the database from the forms and can exist in any format which is not taken into consideration when the reports are generated and altered).

Referring to claim 4, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 1, wherein at least one of the interfaces includes the data switching device, the data switching device having access to an association memory containing information about an association between data object types and report masks, and wherein the data switching device is adapted to ascertain the type of a data object transferred via the interface, compare the ascertained type with the content of the association memory and associate a report mask with the data object on the basis of the result of the comparison (Fabrick et al: see [0036]-[0041]; Ertel: see column 16, lines 29-45 and Fig 1).

Referring to claim 5, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 1, wherein the interfaces on the first and second data processing devices, when interconnected, are useable to transfer data belonging to data objects from the second data processing device to the first data processing device, and wherein data objects with user-edited data, transferred to the first data processing device via the interconnected interfaces, are stored in the data store (Fabrick et al: see [0037] – the data objects are transferred to the database).

Referring to claim 6, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 5, wherein content of user-edited data is checked by the

data switching device, and the checked data are stored by the first data processing device only on the basis of the result of the check (Fabrick et al: see [0037]).

Referring to claim 7, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 1, wherein the first data processing device is for authenticating all access operations to data objects by users in a manner which the user cannot alter and documents them for later reconstruction (Rothschild et al: see [0144], lines 15-26 and [0210]-[0213] – history record system).

Referring to claim 8, Rothschild et al disclose a method for processing medically relevant data objects. In particular, Rothschild et al disclose a distributed method for processing medically relevant data objects, including at least one of image data and metadata (see abstract and [0023], lines 17-22), with a first component for at least one of viewing, editing and storing the data objects (see [0149]-[0150] and Fig 1, item 120) and with a second component for presenting data from the data objects (see Fig 1, item 40), comprising:

using prescribed data formats in the first component, which are unalterable by a user, to at least one of store, view and edit the data objects (see [0144], lines 1-7 and [0152] – the data format is DICOM);

using report masks in the second component, which are at least one of generateable and alterable by the user without knowledge of the syntax of the data objects, to present data from the data objects, wherein data objects are transferable from the first to the second component (see [0043] and Fig 1 – the devices are connected by a central storage system).

However, Rothschild et al fail to explicitly teach the further limitation of using report masks in the second component, which are at least one of generateable and alterable by the user without knowledge of the syntax of the data objects, to present data from the data objects. Fabrick et al teach a data processing system for processing medically relevant data objects (see abstract), including the further limitation using report masks in the second component, which are at least one of generateable and alterable by the user without knowledge of the syntax of the data objects, to present data from the data objects (see [0034] and [0052] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Fabrick et al's method for generating report masks within Rothschild et al's method of a medical image management system as a subcomponent to the remote storage system (Rothschild et al: see Fig 1, item 40). One would have been motivated to do so in order to produce a report that is useful in managing the patient's healthcare (Rothschild et al: see [0065]).

However, the combination of Rothschild et al and Fabrick et al (hereafter Rothschild/Fabrick) fails to explicitly disclose the further limitation of checking the data objects for consistency with the medically reports prior to storing the data objects. Ertel discloses a method for patient data quality review (see abstract) including the further limitation of checking the data objects for consistency with the medically relevant reports

prior to storing the data objects (see column 16, lines 29-45 and Fig 1 – the batch interface file 58 checks for consistency).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Ertel's method for error checking as a subcomponent to Rothchild/Fabrick's medical image management method. One would have been motivated to do so in order to produce a report that is accurate for use in the management of the patient's healthcare (Rothschild et al: see [0065]).

Referring to claim 9, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 8, wherein the second data processing device stores report masks at least one of generated (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask) and altered by the user (Fabrick et al: see [0052] – the original report is updated, i.e. altered, when a patient has a subsequent visit), in the mask memory (Fabrick et al: see [0061]).

Referring to claim 10, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 8, wherein the second method component uses report masks for a user to edit data from the data objects (Fabrick et al: see [0041] and [0052]).

Referring to claim 11, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 8, wherein a data switching component is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing

information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Fabrick et al: see [0036]-[0041]; Ertel: see column 16, lines 29-45 and Fig 1).

Referring to claim 12, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 8, wherein data belonging to data objects is transferable from the second to the first component, and wherein the first component stores data objects with user-edited data, transferred to the first component, in a data store (Fabrick et al: see [0037] – the data objects are transferred to the database).

Referring to claim 13, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 12, wherein the content of user-edited data belonging to data objects is checked, and the user-edited data are stored by the first component only on the basis of the result of this check (Fabrick et al: see [0037]).

Referring to claim 14, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 8, wherein the first component authenticates all access operations to data objects by users in a manner which the user cannot alter and documents them so that they can be subsequently reconstructed (Rothschild et al: see [0144], lines 15-26 and [0210]-[0213] – history record system).

Referring to claim 15, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 2, wherein the second data processing device uses report masks, generateable and alterable by the user without knowledge of the syntax of the data objects, in order for a user to edit data from data objects (Fabrick et al: see [0034],

[0036] and [0061] – the data objects are entered into the database from the forms and can exist in any format which is not taken into consideration when the reports are generated and altered).

Referring to claim 16, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 1, wherein at least one of the interfaces includes data switching means, having access to an association memory containing information about an association between data object types and report masks, for ascertaining the type of a data object transferred via the interface, for comparing the ascertained type with the content of the association memory and for associating a report mask with the data object on the basis of the result of the comparison (Fabrick et al: see [0036]-[0041]).

Referring to claim 17, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 4, wherein the interfaces on the first and second data processing devices, when interconnected, are useable to transfer data belonging to data objects from the second data processing device to the first data processing device, and wherein data objects with user-edited data, transferred to the first data processing device via the interconnected interfaces, are stored in the data store (Fabrick et al: see [0037] – the data objects are transferred to the database).

Referring to claim 18, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 17, wherein content of user-edited data is checked, and the checked data are stored by the first data processing device only on the basis of the result of the check (Fabrick et al: see [0037]).

Referring to claim 19, Rothschild/Fabrick/Ertel teaches the distributed method of claim 8, wherein the second component is used to present data from the data objects in medically relevant reports using the report masks (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask).

Referring to claim 20, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 9, wherein the second method component uses report masks for a user to edit data from the data objects (Fabrick et al: see [0041] and [0052]).

Referring to claim 21, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 9, wherein a data switching component is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Fabrick et al: see [0036]-[0041]).

Referring to claim 22, Rothschild/Fabrick/Ertel teaches the distributed method as claimed in claim 10, wherein a data switching component is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for

associating a report mask with the data object on the basis of the result of this comparison (Fabrick et al: see [0036]-[0041]).

Referring to claim 23, Rothschild et al disclose a data processing system for processing medically relevant data objects. In particular, Rothschild et al disclose a data processing system for processing medically relevant data objects including at least one of image data and metadata (see abstract and [0023], lines 17-22), comprising:

a first electronic data processing means for viewing and editing the data objects (see [0149]-[0150] and Fig 1, item 10), the first electronic data processing means including,

storage means for storing the data objects (see [0045]; [0143], lines 10-18; and Fig 1, item 120), and

a first interfacing means for outputting data objects (see [0149] and Fig 1, item 15); and

a second electronic data processing means for presenting data from data objects in medically relevant reports (see Fig 1, item 40) using report masks, the second electronic data processing means including,

memory means (see Fig 1, item 140) for storing the report masks, and

second interfacing means for receiving the data objects (see [0079]),

wherein the first data processing means uses firmly prescribed data formats (see [0144], lines 1-7 and [0152] - the data format is DICOM), unalterable by a user, to store, view and edit the data objects, wherein the second data processing means uses report masks, generatable and alterable by the user to present data

from data objects, even without knowledge of the syntax of the data objects, and wherein the interfaces of the first and second data processing means are connectable to one another for transfer of data objects from the first data processing means to the second data processing means (see [0043] and Fig 1 – the devices are connected by a central storage system).

However, Rothschild et al fail to explicitly teach the further limitation of the second interface wherein the second data processing means uses report masks, generatable and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects. Fabrick et al teach a data processing system for processing medically relevant data objects (see abstract), including the further limitation wherein the second data processing means uses report masks, generatable and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects (see [0034] and [0052] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Fabrick et al's system for generating report masks within Rothschild et al's medical image management system as a subcomponent to the remote storage system (Rothschild et al: see Fig 1, item 40). One would have been motivated to do so in order to produce a report that is useful in managing the patient's healthcare (Rothschild et al: see [0065]).

However, the combination of Rothschild et al and Fabrick et al (hereafter Rothschild/Fabrick) fails to explicitly disclose the further limitation of a data switching means for checking the data objects for consistency with the medically reports prior to storing the data objects. Ertel discloses a system for patient data quality review (see abstract) including the further limitation of a data switching means for checking the data objects for consistency with the medically relevant reports prior to storing the data objects (see column 16, lines 29-45 and Fig 1 – the batch interface file 58 checks for consistency).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Ertel's sysem for error checking as a subcomponent to Rothchild/Fabrick's medical image management system. One would have been motivated to do so in order to produce a report that is accurate for use in the management of the patient's healthcare (Rothschild et al: see [0065]).

Referring to claim 24, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 23, wherein the second data processing means stores report masks at least one of generated (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask) and altered by the user (Fabrick et al: see [0052] – the original report is updated, i.e. altered, when a patient has a subsequent visit), in the memory means (Fabrick et al: see [0061]).

Referring to claim 25, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 23, wherein the second data processing means uses report masks, generateable and alterable by the user without knowledge of the syntax of the data objects, in order for a user to edit data from data objects (Fabrick et al: see [0034], [0036] and [0061] – the data objects are entered into the database from the forms and can exist in any format which is not taken into consideration when the reports are generated and altered).

Referring to claim 26, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 23, wherein at least one of the interfacing means includes the data switching means, the data switching means having access to an association memory containing information about an association between data object types and report masks, for ascertaining the type of a data object transferred via the interface means, for comparing the ascertained type with the content of the association memory and for associating a report mask with the data object on the basis of the result of the comparison (Fabrick et al: see [0036]-[0041]; Ertel: see column 16, lines 29-45 and Fig 1).

Referring to claim 27, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 23, wherein the interfacing means on the first and second data processing means, when interconnected, are useable to transfer data belonging to data objects from the second data processing means to the first data processing means, and wherein data objects with user-edited data, transferred to the first data

processing means via the interconnected interfaces, are stored in the storage means (Fabrick et al: see [0037] – the data objects are transferred to the database).

Referring to claim 28, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 27 wherein content of user-edited data is checked, and the checked data are stored by the first data processing means only on the basis of the result of the check (Fabrick et al: see [0037]).

Referring to claim 29, Rothschild/Fabrick/Ertel teaches the data processing system as claimed in claim 23, wherein the first data processing means is for authenticating all access operations to data objects by users in a manner which the user cannot alter and documents them for later reconstruction (Rothschild et al: see [0144], lines 15-26 and [0210]-[0213] – history record system).

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Lovel
Examiner
Art Unit 2167

kml
13 August 2006

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

18 August 2006